

## **REMARKS**

Application has cancelled claim 11, and has amended claims 29 and 34 per the Examiner's suggestions, obviating the basis for the objections to these claims.

Applicant has amended claim 27 to correct the cited informality related to antecedent basis, obviating the basis for the 35 U.S.C. § 112, second paragraph rejection.

Applicant traverses the 35 U.S.C. § 102(b) rejection of claims 1, 2, 5-8, 14, 15, and 18 over Kinoshita (U.S. 6,114,951). Cancellation of claims 2, 5-7 and 18 renders moot the rejection of these claims.

As recited, *e.g.*, in claims 1 and 14 a crash-safe control device estimates a possibility of crashing between a first preceding vehicle and a non-first preceding object.

Kinoshita, in contrast, discloses an "inter-vehicle distance" between a subject vehicle 1 and a next preceding vehicle 100 (col. 3, lines 61-63), or more specifically, a distance L2 between the subject vehicle 1 and the next preceding vehicle 100.

Distance L2 is used to calculate a safe inter-vehicle distance LK2, which is a lower limit of inter-vehicle distance L1 between subject vehicle 1 and preceding vehicle 50 (col. 4, lines 21-22; col. 5, lines 16-17, 26-29, equation (3) and (4), and Fig. 3, stops S106 and S109-S111). Kinoshita does not disclose, however, determining a possibility of crashing between a first preceding vehicle and a non-first preceding object. Nor does Kinoshita disclose a distance between a preceding vehicle 50 and the next preceding vehicle 100.

Lacking a disclosure of at least the above-discussed elements of claims 1 and 14, Kinoshita does not anticipate claims 1 or 14 of their respective dependent claims 8 and 15.

Applicant also traverses the § 102(b) rejection of claims 1, 21, 22, 28, and 32-34 over Kodaka (U.S. 6,269,308).

As observed by the Examiner at page 4 of the Office Action, Kodaka discloses a crash-safe control system with an object-information obtaining device for obtaining information about one object preceding vehicle. Kodaka does not, however, disclose that the crash-safe control device estimates a possibility of crashing between the first preceding vehicle and a non-first preceding object, and controls the operating device on the basis of this possibility, as recited, e.g., in amended claim 1, and its dependent claims.

Applicant also traverses the § 102(b) rejection of claims 1, 21, 22, and 24-34 over Matsuda (U.S. 5,995,057).

As is the case with Kinoshita and Kodaka, Matsuda also fails to disclose a crash-safe control device estimating a possibility of crashing between a first preceding vehicle and a non-first preceding object, and controlling the operating device on the basis of this estimated possibility.

Matsuda, therefore, also fails to anticipate claim 1 and its dependent claims under § 102(b).

Applicant traverses the 35 U.S.C. § 102(e) rejection of claims 1-6, 21, 22, 28, and 32-35 over Yajima (U.S. 2004/0176900).

Yajima also lacks the same teaching as Kinoshita, Kodaka and Matsuda, which is recited in amended claim 1, and therefore does not anticipate amended claim 1 or its dependent claims.

Applicant rejects the 35 U.S.C. § 103(a) rejection of claims 19-20 over Kinoshita in view of Mages (U.S. 7,365,769) and Breed (U.S. 2002/0178632); and claims 21, 22, 28, and 32-35 over Kinoshita in view of Kodaka.

None of these references either disclose or suggest a crash-safe control device estimating a possibility of crashing between a first preceding vehicle and at least one non-first preceding object, and controlling an operating device on the basis of this estimated possibility.

Because of the absence of a disclosure or suggestion of this claim feature from the cited references, none of the references, viewed alone or in combination, suggest the claims under § 103(a).

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of claims 1, 3-4, 8-10, 14-17 and 21-35.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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